

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Cr. No. 04-888 LH (ACE)

DAVID PETTIGREW,

Defendant.

MOTION IN LIMINE II

The defendant, David Pettigrew, through his counsel, Michael A. Keefe, Assistant Federal Public Defender, moves the Court in limine for an order preventing the government from presenting any evidence regarding the defendant's past criminal history.

As grounds, the defendant states:

1. Mr. Pettigrew has a prior conviction for second degree murder from 1997. This conviction is nearly seven and one half years old and has no relevance to the present proceedings.
2. Any probative value regarding the defendant's past criminal conduct would be completely outweighed by the danger of unfair prejudice under Rule 403 of the Federal Rules of Evidence.

WHEREFORE the defendant requests that the Court instruct the government not to present any evidence regarding the defendant's past criminal conduct and to instruct the government that they may not question Mr. Pettigrew about such conduct.

I hereby certify that a true copy of the foregoing pleading was faxed to AUSA Samuel Winder this 21st day of September, 2004.

[electronically filed]

Respectfully submitted,

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[electronically filed]
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